

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**In re Neurontin Marketing and
Sales Litigation**

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MDL Docket No. 04-MDL-1629
Case No. 1:04-cv-12625-PBS

REQUEST FOR ORAL ARGUMENT
ON MOTION FOR APPOINTMENT OF TENNESSEE LEAD COUNSEL

NOW INTO COURT comes Bauda Vauda Lee Sutton, Plaintiff in a consumer class action in the United States District Court for the Eastern District of Tennessee against the Defendants titled *Sutton v. Pfizer, Inc., et al.*, E.D. TN, No. 2:04-CV-337, by and through counsel, and respectfully requests that this Court allow oral argument on her January 21, 2005 Motion for Appointment of Tennessee Lead Counsel, pursuant to Local Rule 7.1 of the United States District Court, District of Massachusetts.

In further support thereof, Bauda Vauda Lee Sutton states as follows:

1. Sutton's Motion for Appointment of Tennessee Lead Counsel was filed on January 21, 2005.
2. Sutton's Motion analyzes a number of issues regarding the specific Tennessee laws alleged in her Complaint. As described in detail in Sutton's Motion and supporting brief, the Tennessee antitrust statute, Tennessee Trade Practices Act, Tenn. Code Ann. § 47-25-101 *et seq.*, contains specific and unique provisions, including provisions regarding acts that attempt to restrain trade outside the state of Tennessee and

provisions allowing plaintiffs to seek full consideration damages. *Sherwood v. Microsoft Corp.*, 2003 Tenn. App. LEXIS 539 (Tenn. App. 2003).

3. Sutton's Complaint, attached to the previously filed Motion, is based primarily on allegations that Defendants have participated in conduct in restraint of trade, in violation of the Tennessee antitrust statute.

4. Counsel for Ms. Sutton assert that a hearing on Sutton's Motion is necessary to allow presentation of further evidence of the antitrust nature of Defendants' conduct and to allow counsel for Ms. Sutton to address any concerns or questions that may be raised by Defendants' or other parties' responses or replies to Sutton's Motion.

Respectfully submitted, this the 1st day of February, 2005.

____/s/____//Gordon Ball//_____
Gordon Ball
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Knoxville, TN 37902

Attorney for Bauda Vauda Lee Sutton

CERTIFICATE OF SERVICE

The undersigned certifies that he has this date served a copy of the foregoing pleading upon counsel of record for all parties at interest in this cause by delivering a copy thereof to each attorney personally, by delivering a copy thereof to each attorney through the electronic case filing system of this Court, or by delivering a copy thereof in the United States Mail addressed to said counsel with sufficient postage thereon to carry the same to its destination.

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This 1st day of February, 2005.

____/s/_//Gordon Ball//_____
Gordon Ball